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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,158	01/15/2002	Yosato Hitaka	03500.016099	8868
5514 7590 10/11/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER MENBERU, BENIYAM	
			ART UNIT 2625	PAPER NUMBER
			MAIL DATE 10/11/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/045,158	Applicant(s) HITAKA, YOSATO	
	Examiner Beniyam Menberu	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 20-22, 24, 25 and 27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20-22, 24, 25, and 27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Arguments***

1. Applicant's arguments with respect to claims 20-28 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 20, 21, 22, 25, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. US 2002/0063887 A1 to White in view of U.S. Patent No. 5937148 to Okazawa.

Regarding claim 20, Tanaka discloses a user apparatus that communicates with a print management apparatus via a network (Figure 1, reference 14 is user, 36 and 38 read on "print management apparatus" ; page 2, paragraph 22, 24), comprising:

print shop information obtaining means for obtaining information of a plurality of print shops from said print management apparatus (Figure 1, reference 36, 38; page 3, paragraph 31; page 5, paragraph 58, 59; page 6, paragraph 65; Reference 38 stores capabilities of plurality of print providers. In paragraph 58, reference 38 looks at

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capabilities of the providers which reads on obtaining information of plurality of print shops.);

print setting obtaining means for setting a print condition by using a printer driver installed in said user apparatus (Figure 7, reference 70 is a computer which must have print drivers when submitting print request; see page 4, paragraph 48, 49; Figure 8, shows print request with print settings; see page 4, paragraph 54; page 5, paragraph 55, reference 805, 806, 807..);

print data forming means for forming print data based on the print condition set by the print setting obtaining means (page 4, paragraph 53; data file 76 reads on print data; page 5, paragraph 56; data file 76 has print condition information 804, 805.. );

screen information forming means for forming screen information (page 4, paragraph 48, "monitor"; page 6, paragraph 65; User selects one of providers based on "offers" submitted by reference 36) on the basis of the obtained print shop information of the plurality of print shops (page 5, paragraph 58, 59; reference 38 finds a match for print job based on the information (capabilities) of each providers ) and the print condition set by the print setting obtaining means setting (page 5, paragraph 56; see attributes 804, 805...) after forming the print data by the print data forming means (page 5, paragraph 56; data file 76 is submitted before the searching of providers is determined since the search depends on the data file 76, so therefore screen information is done after the forming of print data 76. );

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selection accepting means for accepting a designation of selecting a print shop from among the plurality of print shops in the print shop information on the formed screen information (page 6, paragraph 65; User selects from one of plurality of offers.); and print order forming means for forming a print order, including the designation of the selected print shop (page 6, paragraph 71, 72; page 7, paragraph 73; In step 116, one of providers is determined which means it will be designated and the print job (print order) will be completed by the selected provider.). However White does not disclose wherein the formed screen information indicates whether or not each print shop of the plurality of print shops in the obtained print shop information is capable of printing the print data.

Okazawa discloses wherein the formed screen information indicates whether or not each print shop of the plurality of print shops in the obtained print shop information is capable of printing the print data (Figure 7, 70-73; column 8, lines 36-64; Printers in "Printing state" cannot accept print data. Column 10, lines 20-35 ).

White and Okazawa are combinable because they are in the similar problem area of printing.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the screen forming of Okazawa with the system of White to implement screen information regarding the capability of printers in the printshop.

The motivation to combine the reference is clear because it will be convenient for the print user to determine the status of each printers (column 8, lines 56-64).

Regarding claim 25, see rejection for claim 20 as shown above.

Regarding claim 27, see rejection for claim 20 as shown above.

Regarding claim 21, White in view of Okazawa teaches all the limitations of claim 20. Further White discloses a user apparatus according to claim 20, wherein the screen information forming means forms the screen information so that a print shop capable of printing the print data is displayed and a print shop not capable of printing the print data is not displayed (page 6, paragraph 65, lines 1-8, 11-15; Since the provider which is capable is searched, the "offer" provided to the user are the ones only capable of printing. ).

Regarding claim 22, White in view of Okazawa teaches all the limitations of claim 20. Further White discloses a user apparatus according to claim 20, wherein the print order forming means forms the print order on the basis of the print data formed by said print data forming means (page 6, paragraph 70, 71, 72; The print job 12 (print order) is made of data file 76 (print data). The print job 1).

4. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. US 2002/0063887 A1 to White in view of U.S. Patent No. 5937148 to Okazawa further in view of U.S. Patent No. 5287194 to Lobiondo.

Regarding claim 24, White in view of Okazawa discloses the limitations disclosed in the user apparatus section as shown in the rejection of claim 20 above. However White in view of Okazawa does not disclose wherein the print management apparatus: print shop information searching means for searching for information of a plurality of print shops and print shop information transmitting means for transmitting the print shop information searched by the print shop information searching means to said user apparatus, and wherein said user apparatus comprises: print shop information obtaining means for receiving the print shop information of the plurality of print shops transmitted by the print shop information transmitting means.

Lobiondo discloses wherein:

print shop information searching means for searching for information of a plurality of print shops (column 3, lines 41-48, 64-67; column 4, line 1-15, 35-52; The information regarding capability and availability is searched for each printers 10.) and print shop information transmitting means for transmitting the print shop information searched by the print shop information searching means to said user apparatus (column 3, lines 64-67; column 4, lines 45-55; The scheduler receives information on availability and capability from printers 10. The information is transmitted over the network to the scheduler. Since the scheduler 50 can be residing in the workstation 30 where print

instruction are coming from (column 3, lines 26-32, 41-45), the information on availability and capability can be received at the user apparatus.), and

wherein said user apparatus comprises:

print shop information obtaining means for receiving the print shop information of the plurality of print shops transmitted by the print shop information transmitting means (column 3, lines 64-67; column 4, lines 45-55; The scheduler receives information on availability and capability from printers 10. The information is transmitted over the network to the scheduler. Since the scheduler 50 can be residing in the workstation 30 where print instruction are coming from (column 3, lines 26-32, 41-45), the information on availability and capability can be received at the user apparatus.).

White, Okazawa, and Lobiondo are combinable because they are in the similar problem area of printing.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the print shop information processing of Lobiondo with the system of White in view of Okazawa to implement print shop processing at the user apparatus side.

The motivation to combine the reference is clear because the system of Lobiondo provides flexibility on the placement of the print scheduler 50 in the network system (column 3, lines 41-46).

#### ***Other Prior Art Cited***



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5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent Application Publication No. US 2001/0024236 A1 to Sato et al disclose camera with transmission/receiving capability.

U.S. Patent Application Publication No. US 2002/0161831 A1 to Nakaoka et al disclose printers on network.

U.S. Patent Application Publication No. US 2002/0191214 A1 to Shimazaki discloses profile system for printing.

U.S. Patent Application Publication No. US 2002/0087622 A1 to Anderson discloses photo system.

U.S. Patent Application Publication No. US 2003/0053121 to Takemoto discloses printing over network.

EP 0856972 A2 to Shiota et al disclose network for photo printing .

U.S. Patent No. 6789113 to Tanaka discloses printing using mobile communication.

U.S. Patent No. 6981015 to Palmer et al disclose print system.

U.S. Patent No. 7145679 to Hitaka discloses printshop system.

U.S. Patent No. 4839829 to Freedman discloses system for printing with cost information.

U.S. Patent No. 6909889 to Ishikawa discloses image printing for mobile system

U.S. Patent No. 6727973 to Mizumo discloses selection of print shop.

U.S. Patent No. 7225158 to Toshikage et al disclose image system.

U.S. Patent No. 6864993 to Roberts et al disclose print instruction processing system.

U.S. Patent No. 6348971 to Owa et al disclose printer designation system.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beniyam Menberu whose telephone number is (571) 272-7465. The examiner can normally be reached on 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Aung Moe can be reached on (571) 272-7314. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is (571) 272-2600. The group receptionist number for TC 2600 is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

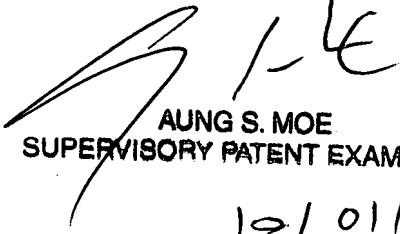
For more information about the PAIR system, see <http://pair-direct.uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Patent Examiner**

Beniyam Menberu

BM

09/29/2007

  
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SUPERVISORY PATENT EXAMINER  
10/01/07